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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,700	01/31/2002	Richard C. Lau	1403	2161

9941 7590 07/27/2005

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EXAMINER
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BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,700

Applicant(s)

LAU ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This is in response to amendment filed on 5/02/05 in which claims 1-26 are pending.

#### *Response to Arguments*

2. Applicant's arguments have been fully considered but they are not persuasive. Therefore, this case is made **final**.

3. As per claim 1, 13, 25 and 26, applicant argues that Nguyen does not provide a method for determining network connectivity when the connectivity is not known to any management element or to any network entity and how to identify a link when the existence of the link is unknown. However, claims 1, 13, 25 and 26 failed to recite such limitations. Furthermore, Applicant argues that the use to which the collected data is applied in the present patent application and in Nguyen is different. However, Nguyen clearly teaches a method for detecting a selection of a virtual path connection configuration option, detecting a selection of a virtual path identifier (VPI) availability Index option and displaying a list of available VPI values (See page 2, paragraph [0007-0008]).

As per claims 2-12, 14-24, applicant argues that Nguyen fails to teach or suggest determining a portion of a network configuration when the connectivity is unknown. However, those claims fail to teach such limitation.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

Application No. 2002/0001307 to Nguyen et al.

a. As per claims 1, 13, 25 and 26, Nguyen et al teaches a method and apparatus for improving the configuration of virtual connection. Furthermore, Nguyen et al teaches a method to determine a configuration of at least a portion of a network, the method comprising: receiving status information relating to nodes in the portion of the network (See pages 67 and 68, paragraph [0639]); determining, for the nodes, respective labels that indicate one or more virtual connections traversing the nodes based on the status information (See page 65, paragraph [0620-0621]); identifying at least one link between a subset of the nodes based on the respective labels and determining the configuration of the portion of the network based on the at least one link (See page 65, paragraph [0616]).

b. As per claims 2 and 14, Nguyen et al teaches the claimed invention as described above. Furthermore, Nguyen et al teaches wherein receiving status information comprises: receiving management information base parameters from the nodes (See page 25, paragraph [0271]).

c. As per claims 3 and 15, Nguyen et al teaches the claimed invention as described above. Furthermore, Nguyen et al teaches wherein receiving the management information base parameters comprises receiving a virtual path identifier for each of the one or more virtual

connections (See page 19, paragraph [0218]).

d. As per claims 4 and 16, Nguyen et al teaches the claimed invention as described above. Furthermore, Nguyen et al teaches wherein receiving the management information base parameters comprises receiving virtual channel identifier information for each of the one or more virtual connections (See page 19, paragraph [0218]).

e. As per claims 5 and 17, Nguyen et al teaches the claimed invention as described above. Furthermore, Nguyen et al teaches wherein determining respective labels that indicate one or more virtual connections traversing the nodes comprises determining one or more identifiers for each of the one or more virtual connections (See page 19, paragraph [0218-0219]).

f. As per claims 6 and 18, Nguyen et al teaches the claimed invention as described above. Furthermore, Nguyen et al teaches wherein determining at least one link between the subset of the nodes comprises determining the subset of nodes having the same one or more identifiers (See page 19, paragraph [0220]).

g. As per claims 7 and 19, Nguyen et al teaches the claimed invention as described above. Furthermore, Nguyen et al teaches wherein determining one or more identifiers comprises determining a virtual path identifier for each of the one or more virtual connections (See page 19, paragraph [0218]).

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h. As per claims 8 and 20, Nguyen et al teaches the claimed invention as described above.

Furthermore, Nguyen et al teaches wherein determining one or more identifiers comprises determining a virtual channel identifier for each of the one or more virtual connections (See page 19, paragraph [0218]).

i. As per claims 9 and 21, Nguyen et al teaches the claimed invention as described above.

Furthermore, Nguyen et al teaches determining respective labels that indicate one or more virtual connections traversing the nodes comprises: determining a number of the virtual connections traversing the nodes; and determining respective cardinalities of the nodes based on the number of the virtual connections (See page 19, paragraph [0220]).

j. As per claims 10 and 22, Nguyen et al teaches the claimed invention as described above.

Furthermore, Nguyen et al teaches wherein determining at least one link between the subset of the nodes comprises determining the subset of nodes having the same cardinality (See page 65, paragraph [0616]).

k. As per claims 11 and 23, Nguyen et al teaches the claimed invention as described above.

Furthermore, Nguyen et al teaches receiving additional status information when the subset of nodes exceeds a threshold number of nodes (See page 96, paragraph [0882]).

l. As per claims 12 and 24, Nguyen et al teaches the claimed invention as described above.

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Furthermore, Nguyen et al teaches wherein the threshold number of nodes is any number (See page 96, paragraph [0887]).

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER